

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 10, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-24531 - APPLICANT/OWNER: STARS INVESTMENT, LLC**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Variance (VAR- 24532) and Variance (VAR-24872) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. A Waiver from Title 19.12 is hereby approved, to allow no perimeter landscaping where 15-feet is required adjacent to the right-of-way and eight feet along the interior lot lines.
4. An Exception from Title 19.10 is hereby approved, to allow two landscaped parking islands where a five-foot wide landscape island is required for every six parking spaces.
5. All development shall be in conformance with the site plan date stamped 09/28/07, and the landscape plan, and building elevations, date stamped 09/11/07, except as amended by conditions herein.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

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8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

14. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
15. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for a Site Development Plan Review for a proposed 684 square foot addition to an existing 4,874 square foot office building on 0.24 acres at 910 East Sahara Avenue. It is the applicant's intention to enclose an overhanging patio and incorporate the square footage into the total building size. The building floor space will be increased to 5,558 square feet. Perimeter landscaping is not being provided on the site. A waiver of the landscaping requirements is being requested.

Additional space will require additional parking for the existing building, which is currently considered parking impaired with 13 spaces where 16 are needed before any alterations are made to the building. The 684 square feet of floor space to be added will require an additional three parking spaces. A companion Variance (VAR-24532) for the parking deficiency will be considered in conjunction with this Site Development Plan Review. A Setback Variance (VAR-24872) will also be considered to allow a side yard setback of four feet where ten feet is required for the enclosure of the patio area.

The site is being overbuilt and denial is recommended of this Site Development Plan Review to enclose a patio area to create additional space within a building that is currently parking impaired and cannot meet the required side yard setback for an addition to the building.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/17/2006	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area.
10/25/07	This Site Development Plan Review (SDR-24531), related Variance (VAR-24532) to allow reduced parking and Variance (VAR-24872) to allow a four-foot side yard setback, were held in abeyance from the 10/25 Planning Commission meeting at the request of the applicant.
<b><i>Related Building Permits/Business Licenses</i></b>	
02/21/91	Office Remodel at 908 East Sahara Avenue
<b><i>Pre-Application Meeting</i></b>	
08/21/07	Discussed issues with existing building, parking requirements and requesting a waiver of landscaping and a parking finger. Variance required for a parking deficiency.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application, nor was one held.	

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<b>Field Check</b>	
	<p>An inspection of the site was performed by the Planning and Development staff and was noted the stairway and gas meter on north side of building appear to be within parking area. These features were not noted on site plan as existing and to be removed. Parking lot on north side of building called out as 48'9" wide, Planning and Development inspector to check dimensions.</p> <p>Also noted the building has two addresses. The first floor is shown as 908, two entrance doors are marked 'A' and 'B'. The second floor is addressed as 910.</p> <p>09/18/07 (Revised Plans were requested from applicant and submitted on 09/28/07)</p>

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.24

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Office	C (Commercial)	C-1(Limited Commercial)
North	Medical Offices	C (Commercial)	C-1(Limited Commercial)
South	Community Center	C (Commercial)	C-1(Limited Commercial)
East	Offices	C (Commercial)	C-1(Limited Commercial)
West	Retail Shops	C (Commercial)	C-1(Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District (175')	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

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**DEVELOPMENT STANDARDS**

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	Existing	Y
Min. Setbacks			
• Front	20 Feet	56 Feet	Y
• Side (See VAR-24872)	10 Feet	4.5 Feet*	N

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1/ Six Spaces	3 Trees	2 Trees	
<b>TOTAL</b>		3 Trees	2 Trees	N

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	4,874 sf	1/300 sf gfa	15	1	12	1	N
	684 sf	1/300 sf gfa	3				
SubTotal	5558 sf		18	1	12	1	N
TOTAL (including handicap)			19		13		N
Percent Deviation (VAR only)			31%				

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow no perimeter landscaping	15' Front landscape planter / 8' Sides and Rear Perimeter and	Denial
To allow two parking fingers where three are required	One parking finger for every six spaces	Denial

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## **ANALYSIS**

- **Zoning**

This retail development conforms to the C-1 (Limited Commercial) zoning of this site and area.

- **Site Plan**

Located in one of the older commercial areas on East Sahara Avenue, the applicant proposes to expand the size of an existing building by enclosing the front patio area. The proposed 684 square feet of additional floor space will be incorporated into the existing 4,874 square foot office building. This addition will increase the building size to 5,558 square feet. As part of this development, the applicant has requested a Variance (VAR-24532) to allow 13 parking spaces where 16 are required. In addition the applicant has requested a Variance (VAR-24872) to allow a four foot side yard setback where ten feet is required for the proposed enclosure of the patio.

- **Landscape Plan and Landscape Waivers**

The applicant has requested a waiver of the perimeter landscaping which is needed due to the constraints of the lot and the existing building within this commercial area. No landscaping exists on the lot. If approved, landscaping will be added to the parking fingers.

- **Elevations**

The submitted elevations indicated the front porch area will be enclosed with a wall finished with stucco on the exterior. This finish is in contrast to the existing building of red brick. Two hollow core steel doors with steel door frames positioned in the center of the new wall will provide access to the building. The addition to the building is typical in appearance.

- **Floor Plans**

Floor plans show only a staircase within the purposed enclosure. The use for the remainder of the space is not indicated.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

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- 1. The proposed development is compatible with adjacent development and development in the area;**

This building is within an older commercial area on East Sahara Avenue. The area is comprised of various offices and commercial uses, the office use is compatible with adjacent development in the area.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The development of the existing building is not in compliance with City standards for landscaping, parking and side yard setback. Although the manner in which this area was developed poses constraints in the renovation of existing buildings, the site is being overbuilt and is not consistent with city standards.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Access to the site is across privately owned parcel to Sahara Avenue, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways.

- 4. Building and landscape materials are appropriate for the area and for the City;**

Building and landscape materials are appropriate for this area of the city.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

Elevations of the proposed patio enclosure indicate stucco walls overlapping the existing red brick walls. The design of the enclosure is not unsightly for the area but the bland design does not improve the building to create an aesthetically pleasing environment, which is needed in this decaying section of the city.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The propose development will be subject to inspection by the City and will not compromise the health, safety and welfare of the general public.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 130

**APPROVALS** 2

**PROTESTS** 2